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PATENT
ATTORNEY DOCKET NO. 99604845

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
WILLIAM DANIEL TOOHEY

Serial No.: 09/239,671

Filed: January 29, 1999

For: DIGITAL VIDEO AUDIT SYSTEM

) Group Art Unit: 2876

) Examiner: Daniel St. Cyr

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STATEMENT IN SUPPORT OF PETITION TO REVIVE

OFFICE OF PETITIONS

Dear Sir:

In support of the attached petition to revive, the undersigned submits the following additional information. During September of 2000, the undersigned traveled to the Los Angeles office of this firm to assist in preparation of responses to various outstanding office actions in a number of different pending patent applications. At that time, the undersigned prepared a draft response to the June 21st office action in this application. The draft response was to be reviewed and finalized by another attorney. Unfortunately, due to an error the final response was never submitted and accordingly this application went abandoned on September 21, 2000.

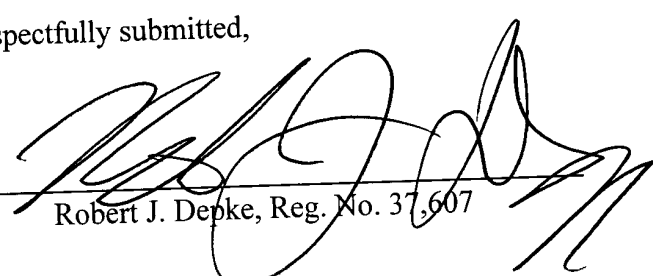
In late January or February of this year the undersigned was informed that the final responses had not been submitted for two patent applications and accordingly these applications

went abandoned, one of which was this application. The application files of the abandoned patent applications were sent to the Chicago office of this firm for the purpose of finalizing the responses and submitting petitions to revive. The undersigned, upon receiving these files, requested that they be entered into the patent prosecution docket in order to ensure that responses would be filed in a timely manner. The undersigned requested that a short period of less than one month be utilized by the docket system in order to ensure that the necessary documents would be timely filed. The designated reminder date for filing of the petitions passed before responses could be reviewed and finalized. Unfortunately, due to an inadvertent error no new dates were entered into the docketing system and accordingly the docket did not reflect that responses were required for the two applications. As a result, only one of the two required petitions were filed.

It only recently came to the attention of the undersigned that the required petition had not been filed for this application. In light of the foregoing, the undersigned submits that all of the delay in submission of the response and petition was unintentional.

Respectfully submitted,

By


Robert J. Depke, Reg. No. 37,607

Date: August 23, 2001

MAYER, BROWN & PLATT
P.O. Box 2828
Chicago, Illinois 60690-2828
312/701-8786

PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)

PATENT
Attorney Docket No. 99604845

First named inventor: WILLIAM DANIEL TOOHEY

Application No. 09/239,671

Group Art Unit: 2876

Filed: JANUARY 29, 1999

Examiner: Daniel St. Cyr

Title: DIGITAL VIDEO AUDIT SYSTEM

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

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OFFICE OF PETITIONS

The above identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. Petition fee

☐ Small entity-fee \$_____. Applicant claims small entity status.

☒ Other than small entity - fee \$1,240.00.

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office Action in the form of an Amendment (identify type of reply):

☐ has been filed previously on _____.

☒ is enclosed herewith.

B. The issue fee of \$ _____.

☐ has been paid previously on _____.

☐ is enclosed herewith.

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))
EXPRESS MAIL LABEL #EL692809212US
Date: AUGUST 23, 2001
I hereby certify that this correspondence is being deposited with the
United States Postal Service on the date shown below with sufficient
postage as Express Mail in an envelope addressed to:
Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231,
on March 20, 2001.

Signature

TIMOTHY HUBALIK

8881515.1 82301 1611C 99585291

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01 FC:141

1240.00 GP

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

- ☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Date: August 23, 2001


ROBERT J. DEPKE, REG. NO. 37,607

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Enclosures:

- ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☒ Other: Change of Correspondence Address